



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,148	09/29/2003	Jun-Fei Zheng	42P17526	5605

7590 07/21/2005

Cory G. Claassen
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER

HEALY, BRIAN

ART UNIT PAPER NUMBER

2883

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,148

Applicant(s)

ZHENG ET AL.

Examiner

Brian M. Healy

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-27 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claim 8 is withdrawn in view of the newly discovered reference(s) to Johannessen et. al. U.S. Patent Application Publication No. US 2004/0008944A1. Rejections based on the newly cited reference(s) follow.

Claim 8 has been cancelled by Applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 9-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rolland et. al., U.S.P. No. 5,799,119 in view of Johannessen et. al., U.S. Patent Application Publication No. U.S. 2004/0008944A1.

Rolland et. al. 119' teaches (Figs.1-19) an optical apparatus (and method of propagating signals using same) comprising: a unitary, rectangular waveguide section 114 having a first lateral dimension perpendicular to a propagation axis; an abrupt offset waveguide section 116 optically coupled to the unitary waveguide section, the offset waveguide section having a second lateral dimension approximately twice the first lateral dimension and two branching (single mode) waveguide sections (the branching waveguides being tangent to each other at one point and propagating light signals in at least two signal peaks) 124, 122 each having first and second ends with the first ends

optically coupled to the offset section and the centers of each waveguide sections being aligned with each other.

Rolland et. al. 119' does not teach or suggest the use of Silicon-on-insulator (SOI) materials for the waveguide sections.

Johannessen et. al., U.S. Patent Application Publication 944' teaches (Fig.1 and page 2, col.1, lines 59-68) the use of an optimized optical Y-branch waveguide structure and method of propagating light signals using same which uses curved output waveguides 28,30 that are joined to a unitary waveguide 12 by tapered waveguide sections 22 and 14 wherein the waveguide sections can be made of Silicon-on-insulator (SOI) material for the purpose of reducing phase differences and signal optimization.

Both Rolland et. al. 119' and Johannessen et. al. 944' are from the same field of endeavor, i.e. Y-branched optical waveguide structures, hence the use of SOI materials for optical waveguides for signal optimization, taught by Johannessen et. al., would have been recognized in the related art of Rolland et. al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the optical Y branch waveguide device and method of Rolland et. al. by using the SOI materials used by the Y-branched device and method of Johannessen et. al. for the purpose of signal optimization.

Response to Arguments

Applicant's arguments with respect to claims 1-7 and 9-27 have been considered but are moot in view of the new ground(s) of rejection. Any inconvenience to Applicant by this new grounds of rejection is regretted by the Examiner. Because the new grounds

Art Unit: 2883

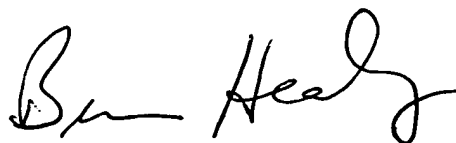
for rejection were not necessitated by Applicant's amendment, this office action has not been made final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Healy whose telephone number is (571)272-2347. The examiner can normally be reached on Compressed schedule Tues-Thurs. 7AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571)272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian M. Healy
Primary Examiner
Art Unit 2883

A handwritten signature in black ink, appearing to read "Brian Healy", is written over a printed name and title.

Brian Healy
Primary Examiner